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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Staci Burk,

10 Plaintiff,

11 v.

12 Kelly Townsend, et al.,

13 Defendants.
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No. CV-22-01967-DMF

ORDER

15 Defendant Kelly Townsend has filed a Motion to Dismiss (Doc. 40) pursuant to
16 Rule 8 and Rule 12(b) of the Federal Rules of Civil Procedure.

17 **NOTICE – WARNING TO PLAINTIFF**

18 ***THIS NOTICE IS REQUIRED TO BE GIVEN TO YOU BY THE COURT*¹**

19 Defendant’s Motion to Dismiss seeks to have your claims against such Defendant
20 dismissed. A motion to dismiss will, if granted, end your case as to the claims dismissed.

21 *Pro se* pleadings are held “to less stringent standards than formal pleadings drafted
22 by lawyers.” *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). Nevertheless, as lawyers
23 must, *pro se* litigants must also become familiar, and comply, with the Rules of Civil
24 Procedure and the Local Rules of Practice for the District Court for the District of Arizona
25 (“LRCiv”). *See Carter v. Commissioner of Internal Revenue*, 784 F.2d 1006, 1008 (9th
26 Cir. 1986); *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) (“*Pro se* litigants must follow
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28 ¹ *Wyatt v. Terhune*, 315 F.3d 1108, 1120 n.14 (9th Cir. 2003) (overturned on unrelated grounds by *Albino v. Baca*, 747 F.3d 1162 (9th Cir. 2014)).

1 the same rules of procedure that govern other litigants.”). You must comply with the
2 following provisions of Rule 7.2 of the Local Rules of Civil Procedure:

3 (e) **Length of Motions and Memoranda.** Unless otherwise permitted by
4 the Court, a motion including its supporting memorandum, and the response
5 including its supporting memorandum, each shall not exceed seventeen (17)
6 pages, exclusive of attachments and any required statement of facts. Unless
7 otherwise permitted by the Court, a reply including its supporting
8 memorandum shall not exceed eleven (11) pages, exclusive of attachments.

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10 (i) **Briefs or Memoranda of Law; Effect of Non-Compliance.** If a motion
11 does not conform in all substantial respects with the requirements of this
12 Local Rule, or if the unrepresented party or counsel does not serve and file
13 the required answering memoranda, or if the unrepresented party or counsel
14 fails to appear at the time and place assigned for oral argument, such non-
15 compliance may be deemed a consent to the denial or granting of the motion
16 and the Court may dispose of the motion summarily.

17 LRCiv 7.2.

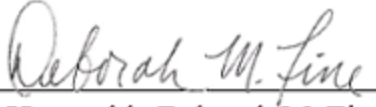
18 All parties, whether represented by counsel or not, must timely respond to all
19 motions.

20 **IT IS ORDERED** that Plaintiff must file a response to Defendant’s Motion to
21 Dismiss, together with any declarations and/or other admissible evidence, no later than 30
22 days from the date of this Order.

23 **IT IS FURTHER ORDERED** that Defendant may file a reply within 15 days after
24 service of Plaintiff’s response.

25 **IT IS FURTHER ORDERED** that the Motion to Dismiss will be deemed ready
26 for decision without oral argument on the day following the date set for filing a reply unless
27 otherwise ordered by the Court.

28 Dated this 31st day of July, 2023.



Honorable Deborah M. Fine
United States Magistrate Judge